

Message Text

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TO AMEMBASSY BUENOS AIRES NIACT IMMEDIATE

C O N F I D E N T I A L STATE 001906

E.O. 11652: GDS

TAGS: CASC, AR (TALAMANTE, OLGA)

SUBJECT: OLGA TALAMANTE

REF: A. BUENOS AIRES 0035 B. BUENOS AIRES 9291

1. DESPITE INFORMATION PROVIDED REF A WE ARE STILL UNABLE TO UNDERSTAND CLEARLY STATUS OF TALAMANTE CASE. REF B (SENTENCE TO BE SET AT FUTURE DATE. APPEAL POSSIBLE) IMPLIES SHE HAS BEEN CONVICTED AND INCARCERATED, NOT HELD OVER FOR TRIAL AS PREVIOUS REPORTING STATED WOULD BE CASE. NO DEFENSE ATTORNEY APPARENTLY HAS EVEN BEEN SELECTED. YET MINIMUM STANDARDS OF INTERNATIONAL LAW REQUIRE THAT PERSONS BE INFORMED OF CHARGES AND THAT THEY BE GIVEN AN OPPORTUNITY TO PRESENT A DEFENSE AND TO RETAIN AND BE REPRESENTED BY COUNSEL AT TRIAL. PERSONS ALSO HAVE RIGHT TO BE PRESUMED INNOCENT AND TRIED IN PUBLIC BY INDEPENDENT AND IMPARTIAL TRIBUNAL (ARTICLES 10, 11, UN UNIVERSAL DECLARATION OF HUMAN RIGHTS). POSSIBILITY OF APPEAL TO COMPETENT JUDICIAL BODY GENERALLY ESSENTIAL TO ENSURE PROPER APPLICATION OF LAW.

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2. IF, HOWEVER, HE HAS NOT BEEN CONVICTED IN FORMAL SENSE

THERE MAY STILL BE OPPORTUNITY FOR A DEFENSE ATTORNEY TO ASSURE THAT DEFENDANT'S RIGHTS HAVE BEEN PROTECTED WITHIN ARGENTINE LAW. WE ARE NOT CONVINCED THAT AN ATTORNEY IS UNNECESSARY EXCEPT ON APPEAL. UNTIL RECEIPT REFTEL

DEPARTMENT HAD ASSUMED FROM SEVERAL EMBASSY REPORTS THAT PRETRIAL PROCEEDINGS WOULD CULMINATE IN A JUDICIAL PROCEDURE IN WHICH DEFENSE ATTORNEY WOULD HAVE A ROLE. WE HAVE SO INFORMED INTERESTED PARTIES HERE.

3. IN VIEW OF FOREGOING, EMBASSY IS URGENTLY REQUESTED TO PROVIDE MORE DETAILED INFORMATION ON NATURE OF COURT ACTION TAKEN AND TEXT OF ANY JUDGMENT RENDERED. IN ADDITION, WE WOULD APPRECIATE ANSWERS TO FOLLOWING SPECIFIC QUESTIONS:

A. WERE, AND IF SO IN WHAT MANNER, DEFENDANTS GIVEN OPPORTUNITY TO PRESENT THEIR CASE TO OFFICERS OF COURT (IT IS NOT RELEVANT THAT TALAMANTE NEVER DENIED ALLEGATIONS OF GOA ACCUSATIONS AGAINST HER TO CONSULAR OFFICERS)?

B. IF CONVICTED, WHAT WERE THE SPECIFIC COUNTS? IF NOT, ON WHAT SPECIFIC CHARGES IS SHE BEING HELD?

C. WHEN WILL DEFENSE ATTORNEY BE APPOINTED?

4. ONCE WE HAVE RECEIVED THIS INFORMATION WE WILL DECIDE WHAT, IF ANY, FURTHER ACTION VIS-A-VIS THE GOA IS WARRANTED.

5. WE AGAIN URGE EMBASSY TO GIVE THIS MATTER PRIORITY ATTENTION. IT MAY BE ADVISABLE TO CONSULT LOCAL ARGENTINE ATTORNEY ON THIS MATTER SO THAT FUTURE REPORTS ON THIS MATTER CAN PROVIDE THE DETAILED, ACCURATE INFORMATION NEEDED TO REPLY TO INQUIRIES AND TO SERVE AS BASIS FOR OUR DECISIONS. KISSINGER

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